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By: *René Curry*
René Curry

PATENT
Customer No. 22,852
Attorney Docket No. 07579.0006-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Graham E. KELLY) Group Art Unit: 1617
)
Application No.: 09/986,509) Examiner: Not yet assigned
)
Filed: November 09, 2001)
)
For: TREATMENT OR PREVENTION)
OF MENOPAUSAL SYMPTOMS)
AND OSTEOPOROSIS)

Commissioner for Patents
Washington, DC 20231

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), the Applicant brings to the attention of the Examiner the documents listed on the attached Form PTO 1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of three listed documents not previously submitted are attached. Copies of all other listed documents were previously submitted in prior U.S. Application No. 09/077,590, filed June 2, 1998, upon which the Applicant relies for priority and the benefits provided under 35 U.S.C. § 120. Applicant respectfully requests that the

Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

Documents previously submitted in prior U.S. Application No. 09/077,590, filed June 2, 1998, in addition to the documents cited on the Form PTO-1449, also include the following:

1. Statutory Declaration of Joseph Nicolaas Van Haaster. Please note this document contains a concise explanation of the relevance of the only non-English language document cited (Walz).
2. Statutory Declaration of Norbert Krause.
3. Statutory Declaration of Hubert Regtop.
4. Statutory Declaration of Kerry Martin Bone.
5. Statutory Declaration of Nancy Beckham.
6. Statutory Declaration of G. Clements.
7. Statutory Declaration of Fiona Bathgate.
8. Statutory Declaration of Julie Hill.
9. Statutory Declaration of Ngaire Pettit-Young.
10. Statutory Declaration of Jennifer Carpinelli.

These declarations were largely obtained from opposition proceedings on patents related to the parent patent application in Australia and New Zealand.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

documents as prior art against any claim in the application and applicant determines that the cited document does not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 25, 2002

By: *Robert W. Mann*
Robert W. Mann
Reg. No. 48,555

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com